

APPENDIX H

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION

JACKSONVILLE HARBOR NAVIGATION (DEEPENING) STUDY

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This appendix evaluates the Jacksonville Harbor Deepening project for consistency with Florida's Coastal Zone Management Program (FCMP). It addresses each of the state laws comprising the FCMP identified by the FDEP's *24 Florida Statutes of the Florida Coastal Management Program*, as updated March 4, 2013 and available at http://www.dep.state.fl.us/cmp/federal/24_statutes.htm. The discussion below briefly identifies the FCMP laws and provides a consistency response.

Chapter 161, Beach and Shore Preservation. The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed plans and information will be voluntarily submitted to the state in compliance with this chapter.

Chapter 163 (part II), Growth Policy, County and Municipal Planning, and Land Development Regulation; and **Chapter 186**, State and Regional Planning. These chapters establish the Local Comprehensive Plans, the Strategic Regional Policy Plans, and the State Comprehensive Plan (SCP). The SCP sets goals that articulate a strategic vision of the state's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project shall be coordinated with various federal, state and local agencies during the planning process. The project meets the SCP goal to promote economic climate for stability and job opportunities while protecting natural resources.

Chapter 252, Emergency Management. This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The proposed project would provide safer navigation conditions in the St. Johns River. Therefore, this project would be consistent with the efforts of Division of Emergency Management.

Chapter 253, State Lands. This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands;

mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed project would comply with state regulations pertaining to the above resources. Impacts to wetlands and submerged aquatic vegetation would be mitigated and fully coordinated with the state. The work would comply with the intent of this chapter.

Chapter 258, State Parks and Preserves. This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed project shall be coordinated with the state of Florida regarding project activities in the vicinity of the Nassau River-St. Johns River Marshes Aquatic Preserve. The project shall be consistent with this chapter.

Chapter 259, Land Acquisition; **Chapter 260**, Florida Greenways and Trails; and **Chapter 375**, Outdoor Recreation and Conservation Lands. These chapters authorize the state to acquire land to protect environmentally sensitive areas and provide for recreational opportunities.

Response: Since the affected property already is in public ownership or is under an easement for public placement use, this chapter does not apply.

Chapter 267, Historical Resources. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project shall be coordinated with the State Historic Preservation Officer (SHPO). Surveys have been conducted in order to determine the presence of historic properties. The project will be consistent with this chapter.

Chapter 288, Commercial Development and Capital Improvements. This chapter directs the state to implement actions to expand international trade and tourism.

Response: The proposed work would enhance JAXPORT's ability to support international trade and is consistent with the goals of this chapter.

Chapter 334, Transportation Administration and **339**, Transportation Finance and Planning. This chapter authorizes the planning and development of a safe balanced and efficient transportation system and includes funding for ports and transportation systems to support ports.

Response: The proposed work will allow JAXPORT's ability to handle larger and more efficient vessels and is consistent with the intent of these chapters.

Chapter 373, Water Resources. This chapter provides the state authority to manage water resources for their full beneficial use, including human use and natural resource protection.

Response: Coordination with state agencies to obtain Water Quality Certification will ensure consistency with this chapter.

Chapter 376, Pollutant Discharge Prevention and Removal. This chapter prohibits discharge of pollutants into or upon coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast.

Response: The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. The contractor will be required to develop and implement a spill prevention plan.

Chapter 377, Energy Resources. This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling or production of gas, oil or petroleum products. Therefore, this chapter does not apply.

Chapter 380, Land and Water Management. This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development. This chapter also deals with the Area of Critical State Concern program and the Coastal Infrastructure Policy.

Response: The proposed work shall be coordinated with the local regional planning commission. Therefore, the project shall be consistent with the goals of this chapter.

Chapter 381, Public Health (selected subsections). This chapter provides for regulation of on on-site sewage treatment and disposal systems.

Response: The proposed work does not include on-site sewage treatment or disposal systems. Therefore, this chapter does not apply,

Chapter 388, Mosquito Control. This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The proposed project shall not further the propagation of mosquitoes or other pest arthropods.

Chapter 379, Fish and Wildlife Conservation. This chapter establishes the Florida Fish and Wildlife Conservation Commission (FWC) and establishes programs to preserve, protect and manage the state's fish and wildlife resources.

Response: Through coordination with the state for Water Quality Certification, implementation of impact avoidance, minimization, and mitigation procedures, the proposed project will meet state requirements for fish and wildlife conservation.

Chapter 403, Environmental Control. This chapter authorizes the regulation of pollution of the air and waters of the state by the Florida Department of Environmental Protection (FDEP).

Response: A draft supplemental environmental impact statement addressing project impacts has been prepared and will be reviewed by the appropriate resource agencies including the FDEP. Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. Water Quality Certification will be sought from the state prior to construction. The project complies with the intent of this chapter.

Chapter 553, Building Construction Standards. This chapter establishes the Florida Building Code and provides for code enforcement.

Response: The proposed project does not propose structures covered by the building code. Therefore, this chapter does not apply.

Chapter 582, Soil and Water Conservation. This chapter establishes policy for the conservation of farm, forest, and grazing lands, prevention of soil erosion, and furthering the conservation, development and utilization of soil and water resources

Response: The proposed project does not involve lands subject to soil and water conservation practices. Therefore, this chapter does not apply.

Chapter 597, Aquaculture. This chapter authorizes the Department of Agriculture and Consumer Services as the lead agency to coordinate and assist the development of aquaculture.

Response: The proposed work does not include or affect aquaculture. Therefore, this chapter does not apply.